

### 13.24.020 – Revocation of Permit

- A. A permit to collocate a small wireless facility may be revoked for one or more of the following reasons:
1. The wireless provider obtained approval by means of fraud or made a misrepresentation of a material fact with respect to the permit application, or any required documentation or submittal.
  2. The wireless provider failed to construct the small wireless facility in accordance with the approved plans.
  3. The wireless provider failed to comply within any material condition of a permit issued.
  4. The wireless provider substantially expanded or altered the use or the structure of the small wireless facility beyond what was requested in the permit application or approved, without the approval of the City.
  5. The wireless provider failed to notify the City of the replacement of small wireless facilities as required by this chapter.
  6. A substantial change of law has occurred affecting the wireless provider's authority to occupy or use the property upon which the small wireless facility is located.
  7. The small wireless facility interferes with vehicular or pedestrian use of the public right of way.
  8. The wireless provider has failed to make a safe and timely restoration of the right-of-way or the property upon which the small wireless facility is located.
  9. The wireless provider has failed to properly maintain the small wireless facility as required by this chapter.
  10. The wireless provider has failed to abate interference with public safety communications in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.
  11. The small wireless facility has been abandoned and the wireless provider has failed to remove the small wireless facility as provided in this chapter.
- B. Written notification of the permit revocation shall be sent by certified mail or shall be personally delivered to the wireless provider setting forth the basis for the revocation. The wireless provider shall, within fourteen days of the notice of revocation, file a written response with the Director of Public Works setting forth the reasons why the permit should not be revoked along with such evidence in opposition to the revocation as the wireless provider determines necessary. Failure to file a response with the Director of Public Works shall be deemed an admission of the facts set forth in the notification of written notification and shall result in automatic revocation of the permit. The Director of Public Works shall render findings and a decision within twenty-one days of the date of receipt of the wireless provider's response, if any.
- C. If the Director of Public Works revokes the permit, the wireless provider may file a written notice of appeal with the City Clerk within twenty—one (21) days of notification of the permit revocation. Such notice shall contain a response to the decision of the Director of Public Works. The City Council shall hear the revocation appeal and render a decision on such appeal.

(2018-M-28 : § 2)